BILL NO. G-77-06-39

GENERAL ORDINANCE NO. G- 40-77.

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain Alley.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain alley having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I. C. 18-7-5-46), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following alley, to-wit:

That portion of the north-south alley, extending north from East Branning Street to the east-west alley, lying between Lot #9 Engles Addition and Lot #25 Calhoun Place Addition.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Vivian & Lehmide

APPROVED AS TO FORM AND LEGALITY.

Read the fir	st time in full and	on motion by	U. De	, second	led by
Henry	and duly a	dopted, read	the second time b	y title and refe	rred to the
Committee on			(and the City		
recommendation)	and P ublic Hearing	to be held at	ter due legal notic	e, at the Counc	eil Chambers,
City-County Build	ing, Fort Wayne, I	ndiana, on _		he	day
of	, 19	, at	o'clock	M.,E,S.T.	. ,
DATE:	6-28-77		CITY CLE	hweletu RK	lamo
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seconded by	Hunter	, and	duly adopted, pla	aced on its pass	age.
PASSED (LOST)	by the following v	ote:			
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SCHMIDT, D.	<u>X</u>				
SCHMIDT, V.	$\overline{\chi}$				
STIER	λ				
TALARICO	\overline{X}				
DATE:	10-25-77		CITY CLE	K. aly	auren
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(RESOLUTION) N	o. <u>D-40-7</u>	7. on the _	(SEAL)	y of Orto	bev_, 1922.
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at the hour of	4.00 o'clo	ek)M . ,E	.S.T.	1
			Kahit	Ulmst	ong
			MAYOR		(7)

Bill N	0						
		REPORT O	F THE COMMI	TTEE ON	REGULATIONS	-	
We, you	ur Committee on	Regulatio	ns	to whom	was referred	an Ordinance	
-	amending Gen	eral Ordinance	No. G-97 b	y authoriz	ing the vacat	ion of	
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have ha	ed said Ordinance	under conside	eration and	beg leave	to report b	ack to the Comm	on
Council	that said Ordin	ance 10	PASS.	-/.	. 0	el C.	
VI	IVIAN G. SCHMIDT	- CHAIRMAN	-	(In	yand J.	Delaned	<u>ب</u>
WI	NFIELD C. MOSES,	JR VICE C	HAIRMAN	- 4	w Ms	12,	
` WI	ILLIAM T. HINGA			We	Chim To	Tingo	
DC	NALD SCHMIDT			Q	D.D.m.	W	
SA	MUEL J. TALARICO)		Sar	mel I.	Talasir	_
			10-25-77	CONCURRE	N /		
		PA	TECI	IARLES W. W	esterman, city	CLERK	



ALLEY TO BE VACATED

J-77-06-39

AN

BY M.F.C. 5-25-77

$\underline{R} \ \underline{E} \ \underline{S} \ \underline{O} \ \underline{L} \ \underline{U} \ \underline{T} \ \underline{I} \ \underline{O} \ \underline{N}$

WHEREAS, REBA VALENTINE and EDWARD W. AND LINDA D. MAHRT, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley, situated in Fort Wayne, Allen County, Indiana, to-wit:

That portion of the north-south alley, extending north from East Branning Street to the east-west alley, lying between Lot #9 Engles Addition and Lot #25 Calhoun Place Addition.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of of Indiana: Indiana Code, Section 18-7-5-46;

WHEREAS, notice of such public hearing has been given by due and property publication thereof; and.

WHEREAS, said public hearing was held on Monday, July 18, 1977, at 7:30 o'clock p.m., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley;

WHEREAS, said vacation of alley has been routed thru the following departments: Street Engineering, Traffic, Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and thru the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of Fort Wayne, Indiana:

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved:

BE IT FURTHER RESOLVED no public utility occupying and using said alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan

Commission be forwarded to the proper governing body having jurisdiction of the

vacation of alleys in Allen County, Indiana.

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

I, JOSEPH N. ADAIR , Secretary of the Fort Wayne
City Plan Commission, do hereby certify that attached hereto is a full, true
and correct copy of a resolution adopted by the Fort Wayne City Plan Commission
following a public hearing of said Commission held on <u>July 18</u>
1977, and as the same appears of record in the official records of said
Plan Commission.
DATED THIS 17TH DAY OF OCTOBER,1977

FORT WAYNE CITY PLAN COMMISSION

Joseph N. Odars

Joseph N. Adair
Secretary

62-61 4/21/7

RESOLUTION

WHEREAS, REBA VALENTINE and EDWARD W. AND LINDA D. MAHRT, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley situated in Fort Wayne, Allen County, Indiana, to-wit:

That portion of the north-south alley, extending north from East Branning Street to the east-west alley, lying between Lot # 9 Encles Addition and Lot # 25 Calhoun Place Addition

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; $\dot{}$

WHEREAS, said vacation of alley has been routed thru the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and thru the Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Morks that the vacation of said public alley, hereinbefore, described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED BY THE Board of Public Works that the vacation of said public alley hereinbefore described and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

STATE OF INDIANA)
SS:

I, Henry . Hehrenbery , Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works following a Board of Works meeting held on September 21, 1917, and as the same appears of record in the offical records of said Board of Public Works.

Dated this alph day of September, 1977

FORT WAYNE BOARD OF PUBLIC WORKS

Henry & Wednesberg Henry & Wehrenberg, Chairman

Ethel H. LaMar, Member

Max G Scott Member

THIS AGREEMENT made and entered into this 67H day of September, 1977, by and between REBA VALENTINE, unmarried and over the age of 18 years, hereinafter called "VALENTINE" and EDWARD W. MAHRT and LINDA D. MAHRT, husband and wife, hereinafter called "MAHRT". WITNESSETH:

Valentine is the owner in fee simple of the following described real estate in Allen County, Indiana:

Lot 25 in Calhoun Place Addition, an Addition to the City of Fort Wayne, Allen County, Indiana;

Mahrt is the owner in fee simple as tenants by the entireties of the following described real estate in Fort Wayne, Allen County, Indiana:

Lot 9 Engles Addition to the City of Fort Wayne according to the recorded plat thereof;

Valentine and Mahrt have heretofore joined in a Petition to Vacate that portion of the North-South alley extending North from () East Branning Avenue to the southerly boundary of the first East-West alley North of Branning Avenue and bounded on the West by real estate hereinabove described asowned by Valentine and bounded on the East by real estate hereinabove described as owned by Mahrt.

In consideration of the mutual covenants and agreements hereinafter set forth, it is covenanted and agreed that upon the vacation of said hereinabove described real estate by City Plan Commission and approval by Ordinance of the Common Council of the City of Fort Wayne, Indiana, of said vacation, Valentine will promptly convey by Quit Claim Deed, the East 1/2 of said alley as so vacated.

This Agreement shall be binding upon the heirs, executors, administrators and assigns of the parties hereto.

IN WITNESS WHEREOF, the undersigned Valentine and Mahrt have hereunto set the M hands and seals this LTM day of September

1V 3V

EDWARD W. MAHRE

LINDA D. MAHRT

REBA VALENTINE

Colward Mahre - Col -7343

STATE OF INDIANA)

COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public in and for Allen County, Indiana, personally appeared the within named, Reba Valentine and the within named Edward W. Mahrt and Linda D. Mahrt, husband and wife, and acknowledged the execution of the above and foregoing Agreement this 67 day of September, 1977.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

Notary Public

My Commission Expires: RYAN R. ALDRICH My Commission Expires March 21, 1981

This instrument prepared by:

Fred D. Schoppman Attorney at Law Member, Allen County Bar Assn. TO:

THE CITY PLAN COMMISSION CITY OF FORT WAYNE, INDIANA

The Undersigned petitioner(s), does (do) hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following portion of public alley, within the City of Fort Wayne, Indiana; and hereby described as follows:

That portion of the north-south alley, extending north from East Branning Street to the east-west alley, lying between Lot # 9 Engles Addition and Lot # 25 Calhoun Place Addition

In support thereof, your petitioner(s) would represent as follows:

- That they are the owners of the real estate abutting both sides of the alley.
- That the alley is not necessary as ingress or egress to other properties whatsoever.
- 3. That said alley is unimproved.
- That no other person, firm, or corporation is interested in or affected by the requested vacation.
- 5. That the maintenance of said alley is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and citizens thereof.

Your petitioners file this petition pursuant to the authority granted in Indiana Code, Section 18-7-5-45, in order to complete the vacation as above described.

WHEREFORE, your petitioners pray that the above described alley be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS 15th DAY	OF, 1977.
jobs I was	Edward & maket
Reba Valentine	Edward W. Mahrt
227 East Branning Avenue (Lot # 25 Calhoun Place Addition)	Lin On 14
	Juda R. Males
	Linda D. Mahrt
	301 East Branning Avenue
	(Lot # 9 Engles Addition)

Number assigned by Bill Salin's office: # 3650

- DIGEST SHEET

D-77-06-39.

TITLE OF ORDINANCEAlley Vacation ordinance
DEPARTMENT REQUESTING ORDINANCE CITY PLAN COMMISSION
SYNOPSIS OF ORDINANCE Petitioners are requesting the
vacation of the following described property: That portion of the
north-south alley, extending north from East Branning Street to the east-wes
alley, lying between Lot # 9 Engles Addition and Lot # 25 Calhoun
Place Addition.
EFFECT OF PASSAGE_If vacated, alley will be utilized by abutting
property owners
EFFECT OF NON-PASSAGEAlley will remain open and unimproved.
MONEY INVOLVED (Direct Costs, Expenditures, Savings)
ASSIGNED TO COMMITTEE (J.N.)
is dealer?



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING . ONE MAIN STREET . FORT WAYNE, INDIANA 46802

room 122

charles w. westerman, clerk

October 27, 1977

Ms. Virginia Grace Fort Wayne Newspapers, Inc. 600 West Main Street Fort Wayne, Indiana 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of October 31 and November 7, 1977, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council of Fort Wayne, IN

Bill No. G-77-06-39 General Ordinance No. G-40-77

Vacation of a certain alley

Please send us five (5) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman City Clerk

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		ounty, Ind.		,
4		PUBLISHER	'S CLAIM	
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ORDINANCE NO hereby given tha October, 1977, t	t on the the Com-	T OF CLAIM		
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, fo-wit: 3-77-06-39	UTING COST			
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PUBLISHER'S CLAIM FORT WAYNE, INDIANA PUBLISHER'S CLAIM LINE COUNT Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) Body number of lines Tail number of lines Total number of lines in notice COMPUTION OF CHARGES 92 Lines, 1 columns wide equals 92 equivalent lines at .2594 exests per line Additional charge for notices containing rule or tabular work (50 per cent of above amount) Charge for extra proofs of publication (50 cents for each proof in excess of two) TOTAL AMOUNT OF CLAIM DATA FOR COMPUTING COST Width of single column R ems Number of insertions 2 Size of type 52 point Number of insertions 2 Size of quad upon which type is cast 55 Pursuant to the provision and penalties of Ch. 89, Acts 1967, I hereby certify that the forecoping account is just and correct, that the amount claimed is legally due, after allowing recidits, and that no part of the same has been paid. LINENAL CLERK PUBLISHER'S AFFIDAVIT SALING Indiana JOHNAL GAZETTE DAILY LOVENAL GAZETTE	Form Prescribed I	by State Board of Acc	ounts	G	eneral Form No. 99 P	(Rev. 1967
PUBLISHER'S CLAIM LINE COUNT Display Matter (Meet not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of cines	Common Counci (Go	l of Fort Wayne vernmental Unit)	<u> </u>	To JOURNAL-	GAZETTE	Dı
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Charles W. Westerman, City Cleri 10-31/11-7